

AMENDED IN SENATE SEPTEMBER 5, 1997

AMENDED IN SENATE AUGUST 11, 1997

AMENDED IN SENATE JULY 23, 1997

AMENDED IN SENATE JULY 10, 1997

AMENDED IN SENATE JULY 8, 1997

AMENDED IN SENATE JUNE 26, 1997

AMENDED IN ASSEMBLY JUNE 2, 1997

AMENDED IN ASSEMBLY MAY 1, 1997

AMENDED IN ASSEMBLY APRIL 17, 1997

AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 833

Introduced by Assembly Members Ortiz and Perata

February 27, 1997

An act to add Sections 138.4 and 109278 to the Health and Safety Code, relating to cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 833, as amended, Ortiz. Gynecological cancers.

Existing law establishes the Office of Women's Health within the State Department of Health Services. The functions of the office, include, among others, to

communicate and disseminate information and perform a liaison function within the department and to providers of health, social, educational, and support services to women.

~~This bill would establish within a designated branch or office of the department the Women's Gynecological Information Program to provide~~ *direct the department to place priority on providing* information ~~for~~ to consumers, patients, and health care providers relating to women's gynecological cancers. The bill would ~~require the office~~ *authorize the department*, in consultation with certain persons, to produce or contract with others to develop the materials required by this provision, as the office deems appropriate, or collect and distribute certain available publications, to be made available to the public free of charge. The bill would ~~require the office~~ *authorize the department* to require, where appropriate, health care providers to provide or make available these materials to patients and would provide for the Medical Board of California, as well as other sources, to distribute these materials.

The bill would require every medical care provider primarily responsible for providing to a patient an annual gynecological examination to provide that patient during the annual examination a standardized summary in layperson's language and in a language understood by the patient containing a description of the symptoms and methods for diagnosing gynecological cancers.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 138.4 is added to the Health and
- 2 Safety Code, to read:
- 3 138.4. (a) ~~The Women's Gynecological Cancer~~
- 4 ~~Information Program is hereby established in the State~~
- 5 ~~Department of Health Services, within a branch~~
- 6 ~~dedicated to cancer control or an office dedicated either~~
- 7 ~~to cancer statistics or women's health. The program shall~~
- 8 ~~provide~~ *The State Department of Health Services shall*
- 9 *place priority on providing* information to consumers,



1 patients, and health care providers regarding women's
2 gynecological cancers, including, signs and symptoms,
3 risk factors, the benefits of early detection through
4 appropriate diagnostic testing, and treatment options.

5 (b) The ~~program~~ *information* may include, but is not
6 limited to, the following elements:

7 (1) Educational and informational materials in print,
8 audio, video, electronic, or other media.

9 (2) Public service announcements and
10 advertisements.

11 (3) The establishment of toll-free telephone hotlines
12 to provide information.

13 (c) (1) The ~~office—shall~~ *department may* produce or
14 contract with others to develop the materials described
15 in this section as the director deems appropriate, or ~~shall~~
16 *may* survey available publications from, among other
17 sources, the National Cancer Institute and the American
18 Cancer Society, and ~~shall may~~ collect and formulate a
19 distribution plan and disseminate these publications
20 according to the plan. These materials ~~shall may~~ be made
21 available to the public free of charge and ~~shall may~~
22 include distribution through the Medical Board of
23 California, as well as through other sources according to
24 the distribution plan.

25 (2) The ~~office—shall~~ *department may* require, as it
26 deems appropriate, health care providers to make these
27 materials available to patients.

28 (d) In exercising the powers under this section, the
29 office shall consult with appropriate health care
30 professionals and providers, consumers, and patients, or
31 organizations representing them.

32 (e) The ~~office—shall~~ *department may* appoint a
33 Women's Gynecological Cancer Information Advisory
34 Council which ~~shall may~~ include representation from
35 health care professionals and providers, consumers,
36 patients, and other appropriate interests. ~~The—members~~
37 *Members* of the council shall receive no compensation for
38 their services, but shall be allowed their actual and
39 necessary expenses incurred in the performance of their
40 duties.

~~(f) It is the intent of the Legislature to provide an annual appropriation for the purposes of this section in the annual Budget Act in an amount sufficient to provide for the annual cost of the program. In addition to any state funds appropriated for the program, the office shall maximize the use of available federal funds and may accept grants from public or private sources for the program. The office, in administering this section, shall seek to coordinate the program with other public and private efforts and may undertake joint or cooperative programs with other public or private entities.~~

(f) The department's duties pursuant to this section are contingent upon the department receiving funds appropriated for this purpose.

(g) ~~The office~~ department may adopt any regulations necessary and appropriate for the implementation of this section.

SEC. 2. Section 109278 is added to the Health and Safety Code, to read:

109278. (a) The medical care provider primarily responsible for providing to a patient an annual gynecological examination shall provide to that patient during the annual examination a standardized summary in layperson's language and in a language understood by the patient containing a description of the symptoms and appropriate methods of diagnoses for gynecological cancers. Use of existing publications developed by nationally recognized cancer organizations is not precluded by this section.

(b) For the purposes of this section, "medical care provider" means a health care professional licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code or pursuant to an initiative act referred to in that division providing medical care within his or her lawful scope of practice.